

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: WELCH

Serial No.: 10/079,281

Filed: February 20, 2002

Group Art Unit: 2635

Examiner: Daryl C. POPE

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APR 15 2005

For: SYSTEM AND METHOD FOR REMOTE MONITORING AND MAINTENANCE
MANAGEMENT OF VERTICAL TRANSPORTATION EQUIPMENTAMENDMENT AND RESPONSE UNDER 37 C.F.R. 1.111Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the recent telephone conversations between counsel for Applicant and Examiner Pope, this Response is made seeking withdrawal of the improperly issued USPTO Office Action dated December 17, 2004. The Office Action is improper, as it fails to consider the Preliminary Amendment timely filed by Applicant on July 16, 2003. A copy of the July 16, 2003 Preliminary Amendment, including the stamped post card returned by the USPTO acknowledging receipt thereof, is enclosed herewith.

Please withdraw the improperly issued Office Action of December 17, 2004, enter the Preliminary Amendment filed July 16, 2003, and timely issue a new Office Action that considers the timely filed Preliminary Amendment. Applicant requests a prompt and favorable action by the Examiner. If the Examiner believes that prosecution of this Application could be expedited by a telephone conference, the Examiner is encouraged to contact the Applicant.

While no fees should be required, the Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 50-1059.

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